

Board of Appeals Meeting Minutes
Meeting held on Wednesday, August 5, 2015
Bishop Property, Sodom Road

Meeting was attended by Board of Appeals members Steve Baluk (chair), Lynn Bertelli (clerk), Joe Delmolino, Donald Puntin, Richard Sweeney

Others attending: Jennifer Bishop – property owner, Mike Loring – builder, Holly Ketron – abutter, Lois Jensen – close neighbor, Larry Gould – building inspector

At the beginning of the meeting Holly Ketron spoke saying she was in favor of the proposed project and then had to excuse herself to attend another meeting.

Letters from one abutter and one neighbor were reviewed by the board – all letters were in favor of the project.

Ms. Bishop described her plan for the deck/screened porch and stated that the porch would always be “see through” and any railings added would be unobtrusive. She stated that the screened porch would never become an enclosed porch. Mike Loring explained that having the depth of the project at 10 feet would allow a correct pitch on the roof.

Some board members objected to the project saying that the deck/porch would be too close to the back boundary by being only 4 feet from the back boundary, making the property more non conforming than it was already. Discussion took place regarding moving the deck/porch to the east side of the building and putting a 3 foot walkway off the back of the building to access the deck. Ms. Bishop explained that having the deck off the east side of the building would be inappropriate because of having windows to a bathroom and bedroom on that side of the house. Also the septic system is on that side of the house.

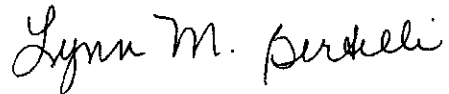
Discussion took place regarding the actual back boundary and whether a plot plan might help clarify the boundary. Larry Gould spoke that having the plot plan would not really make a difference and that the lot was already a non conforming lot, therefore you can not make a decision based on making a non conforming lot “more” non conforming. He stated that what the board needed to determine was – was the proposed project going to be more detrimental to the property/neighborhood. Larry left the meeting after making his statements.

More discussion took place among board members and some wanted to stick to the by-law requirements. Lynn stated that many of the properties in town were built before the by-laws were in place and that the Board of Appeals existed in order to address the issue of property owners who needed/wanted to make changes to their properties that did not meet the current by-law requirements. She also reiterated what Larry Gould had said about not being able to make a non conforming lot MORE non conforming and that the board was to discuss the project as far as being detrimental to the property/neighborhood. Some board members were adamant about adhering to the current setback requirements and were not in favor of allowing a property owner to come within 4 feet of a boundary line.

Ms. Bishop was asked if she wanted to withdraw her plan or have the board take a vote. She was informed that if the board rejected her plan she would have to wait one year before resubmitting her plan. She decided that she would like the board to vote.

Voting took place – 3 in favor (Steve Baluk, Lynn Bertelli, Richard Sweeney), 2 against (Joe Delmolino, Don Puntin). Proposed project was denied.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lynn M. Bertelli".

Lynn M. Bertelli
Clerk for Tyringham Board of Appeals